

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

NATIONWIDE PROPERTY & CASUALTY
INSURANCE COMPANY,

Plaintiff,

v.

Civil Action No. 5:07CV137
(STAMP)

MONICA L. HUNTER as Executrix of
the ESTATE OF TINA FLUHARTY, deceased,
NATHAN FLUHARTY, Executor of the
ESTATE OF JAMES FLUHARTY, deceased,
NATHAN FLUHARTY, individually,
WILLIAM BERNARDINI, JUDY BERNARDINI,
JOE SECKMAN, JOANN SECKMAN,
BLAINE HENDERSON and JOHN DOES,
children of JAMES FLUHARTY
and/or siblings and children of
TINA FLUHARTY,

Defendants.

ORDER SCHEDULING STATUS AND SCHEDULING CONFERENCE

The plaintiff in the above-styled civil action, Nationwide Property and Casualty Insurance Co. ("Nationwide"), has brought an action for declaratory judgment and determination by this Court that a specified insurance policy issued by Nationwide does not provide any benefits, coverage, or duty to defend or indemnify against any claims asserted against James Fluharty, deceased, and/or against the Estate of James Fluharty, Nathan Fluharty, Executor. The Court has received and reviewed the parties' planning meeting report, filed pursuant to Rule 26(f) on February 5, 2008. In that report, the plaintiff and defendant Monica Hunter, as Executor of the Estate of Tina Fluharty, inform this Court that although the remaining parties to the case were provided

copies of the joint report, not all defendants' counsel participated in the preparation and submission of the proposed discovery and scheduling plan. Subsequently, defendants Nathan Fluharty, Executor of the Estate of James Fluharty, deceased, and Nathan Fluharty filed objections to the joint report.

This Court finds that it would be beneficial to conduct a status and scheduling conference in this case. Accordingly, it is ORDERED that a status and scheduling conference will be held on March 7, 2008 at 1:15 p.m. in the chambers of Judge Frederick P. Stamp, Jr., Federal Building, Twelfth and Chapline Streets, Wheeling, West Virginia 26003.

The Court will permit those out-of-town attorneys having their offices further than forty miles from the point of holding court to participate in the conference by telephone. However, any such attorney shall advise the Court prior to the conference of his or her intention to participate by telephone and shall (1) inform all counsel of his or her appearance by telephone; (2) confer with other out-of-town attorneys to determine if they wish to appear by telephone; (3) advise the Court of the name of the attorney who will initiate the conference call and all such attorneys appearing by telephone; and (4) initiate a timely conference telephone call with such attorneys to the Court at 304/233-1120 at the time of the scheduled conference. If the attorneys cannot reach agreement as to the initiator of the call, the Court will make that determination.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein.

DATED: March 4, 2008

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE